IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 23181 of 2007(I)

PETITIONER:

K.K. BABY,
LIBRARIAN GRADE-I, ST.ALOYSIUS COLLEGE,
ELTHURUTH P.O., THRISSUR DISTRICT.

BY ADV. SRI.P.J.MATHEW

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

3. THE CALICUT UNIVERSITY,
REPRESENTED BY THE REGISTRAR.

4. THE PRINCIPAL,
ST. ALOYSIUS COLLEGE, ELTHURUTH, THRISSUR DISTRICT

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
SRI.P.C.SASIDHARAN, STANDING COUNSEL, UTY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.23181 OF 2007

Dated this the 6th day of August, 2007

JUDGMENT

Petitioner is stated to be working as Librarian Grade-I in St.Aloysius College, Elthuruth in Thrissur district. The college is admittedly affiliated to the University of Calicut. According to the petitioner, he had commenced his service in the year 1979. He was promoted as Librarian Grade-I with effect from July 15, 1991 as could be seen from Ext.P1. In the said order, it was made clear that "promotion as Librarian Grade-I will not ipsofacto confer claim for UGC scale of pay." Further, it is the contention of the petitioner that Librarians of private colleges affiliated to the Universities and who had been in service on or before January 1, 1986 and who possess the requisite qualification prescribed by the University concerned would be entitled to get relaxation from acquiring the qualifications prescribed by the UGC. Petitioner places heavy reliance on Ext.P4 in support of the above contention.

2. The prayer in the writ petition is to issue a writ of mandamus or such other appropriate writ, order or direction to the respondents to grant him UGC scale with effect from July 5, 1991 with consequential benefits thereof.

3. I do not propose to deal with any of the above contentions at this stage in view of the limited prayer made by the learned counsel for the petitioner at the Bar. He submits that petitioner will be satisfied, if an appropriate direction is issued to respondent no.1 to take a decision on Ext.P9 representation in which the petitioner is stated to have highlighted all the relevant aspects of the issue. Learned Government Pleader submits that if Ext.P9 has been preferred as contended by the petitioner, a decision thereon can be taken without any delay.

4. In the above facts and circumstances, the writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Ext.P9 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this

judgment. Needless to mention that respondent no.1 shall afford sufficient opportunity to the petitioner and the Manager to be heard before any decision is taken in the matter. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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